

Matheson v. Miami-Dade County, 3D17-2649, 2018 WL 4905225
(Fla. 3d Dist. App. Oct. 10, 2018)

Local Governments Not Required to Offer Properties for Competitive Bid When Sold for Economic Development

In *Matheson v. Miami-Dade County*, Bruce Matheson (“Matheson”) appealed the trial court’s determination that Miami-Dade County (“the County”) was not under a clear legal duty to offer land for competitive bid before selling it to Miami Properties, David Beckham’s partnership.

Miami Properties purchased 2.79 acres of county land for \$9,015,000 to construct a Major League Soccer Stadium. Matheson, a neighboring property owner, sued the County for not offering the 2.79 acres for competitive bid, which he claimed violated the County’s clear legal duty to do so under Section 125.35, Florida Statutes. According to Section 125.35, Florida Statutes, “the board of county commissioners is expressly authorized to sell and convey any real or personal property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder.” However, under Section 125.045, Florida Statutes, the county is allowed to sell real property at a below-market rate as an “economic development incentive.”

In the resolution solidifying the sale to the Miami Properties, the commission stated that pursuant to Section 125.045, Florida Statutes, the County sold the land in order to “promote economic development, to strengthen the County’s vibrancy, and to attract tourism and attendant hospitality industries by housing a Major League Soccer stadium.”

In response to Matheson’s claim, the County contended that it had no clear legal duty to competitively bid the land because the sale to Miami Properties fell under the economic development exception. The trial court agreed with the County’s claim. The Third DCA affirmed the trial court’s decision, and held that Matheson’s argument was inconsistent with the Florida courts’ interpretation of Section 125.045, Florida Statutes.